

Serial No. 10/784,886

Attorney Docket No. 11-226

REMARKS

Please consider the following comments. Following this response, claims 1-20 are pending. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Allowable Subject Matter

The Examiner has indicated that claims 1-9 are allowable, and has objected to claim 17 as being dependent upon a rejected base claim, but has indicated that they would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims.

Applicants respectfully acknowledge the allowability of claims 1-9 and 17. Claims 1-9 are being maintained in their allowable form. However, Applicants have cancelled claim 17 and have incorporated its limitations into claim 10.

Claim Rejections – 35 U.S.C. § 102

The Examiner has rejected claims 10-16 and 18-20 under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Published Patent Application No. 2002/0099486 to Nagao et al. ("Nagao"). Applicants continue to traverse this rejection for at least the reasons given in their response filed August 28, 2006.

However, in an effort to expedite prosecution, Applicant have amended claim 10 to incorporate the limitations of allowable claim 17. And while amended claim 10 does not include every limitation, word-for-word, from claim 17 and intermediate claims 14 and 15, Applicants believe that it contains features not disclosed in Nagao. For example, amended claim 10 recites "a rollover determination unit having a two-dimensional map of which two dimensions are the roll angle and the roll angular velocity, boundary lines being set on the map to form a first region

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showing a possibility of a vehicle's rollover and a second region showing no possibility of the vehicle's rollover, means for performing the rollover determination by pointing at a point on the map, the point being defined by both the value of the roll angle and the value of the roll angular velocity, means for performing a further determination determining a magnitude relation between a difference of a current value of the roll angular velocity derived from a value of the roll angular velocity detected last time and a predetermined value, and means for causing the rollover determination performing means to perform the rollover determination additionally using a result performed by the further determination." This feature is not disclosed in Nagao.

Thus, Nagao does not disclose every feature recited in amended claim 10. And claim 0 is allowable for at least reasons comparable to the reasons claim 17 was allowable.

Applicants have cancelled claims 12-15, thus rendering this rejection moot as it pertains to these claims.

Applicants have amended claims 16, 18, and 19 such that they depend from amended claim 10, rather than cancelled claim 15. As a result, claims 11 and 18-20 all now depend from claim 10 and are allowable for at least the reasons given above for claim 10.

For at least the reasons given above, Applicants respectfully request that the Examiner withdraw the rejection of claims 10-16 and 18-20 under 35 U.S.C. § 102(e) as being allegedly anticipated by United States Published Patent Application No. 2002/0099486 to Nagao.

Conclusion

For all the reasons advanced above, the applicant respectfully submits that pending claims 1-11 and 18-20, as amended are allowable. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, Applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

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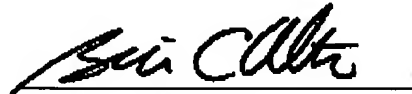
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Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples the applicant have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, Applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,



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